NOTIFICATION.

No. L.D. 288—Legis. 5-50-3, dated Bangalore, 21st April 1950.

Ordered that the accompanying Constitution (Determination of Population) Order 1950 (C.O. 13), published in the *Gazette of India*, dated the 15th April 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW.

New Delhi, the 15th April, 1950.

S.R.O. 8.—The following Order made by the President is published for general information :—

THE CONSTITUTION (DETERMINATION OF POPULATION) ORDER, 1950.

C.O. 13.—In exercise of the powers conferred by article 387 of the Constitution of India and of all other powers enabling him in that behalf, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Constitution (Determination of Population) Order, 1950.

(2) It shall come into force at once.

2. (1) The General Clauses Act, 1897 (X of 1897) applies for the interpretation of this Order as it applies for the interpretation of a Central Act.

(2) In this Order,—

(*a*) "Census Commissioner" means the Census Commissioner appointed under sub-section (1) of section 4 of the Census Act, 1948 (XXXVII of 1948);

(*b*) "paragraph" means a paragraph of this Order.

3. For the purposes of elections held under the provisions of the Constitution during a period of three years from its commencement,—

(*a*) the population of each State;

(*b*) the population of Scheduled Castes in each Part A State, and in each Part B State other than Jammu and Kashmir,

(*c*) the population of Scheduled Tribes in each Part A State other than Assam and in each Part B State other than Jammu and Kashmir,

(*d*) the population of Scheduled Tribes in Assam excluding the tribal areas thereof,

(*e*) the population of Scheduled Tribes in each autonomous district of Assam, and

(*f*) the population of each autonomous district of Assam, shall be determined in the manner hereinafter provided.

4. (1) As soon as may be after the commencement of this Order, the Census Commissioner shall prepare estimates of the population of every State as on the first day of March, 1950, in each of the following two ways, that is to say,—

(*a*) after taking into account the population of the territory of that State as ascertained at the census of 1941, and such records as are available to him regarding births and deaths in that territory since that census, and also the movement of persons displaced from their original places of residence by reason of the setting up of the Dominions of India and Pakistan, and

(*b*) on the basis of the mathematical projection of the trend indicated by the population figures of that territory as ascertained at the last five decennial censuses, after taking into account the movement of persons referred to in clause (*a*),

and shall then determine the population of the State by taking the average of the two estimates.

(2) The Census Commissioner shall thereafter submit to the President a statement showing the population of each State as so determined, together with an explanatory note as to how the figures of population have been calculated; and the statement shall, on being approved by the President, be notified in the *Gazette of India*.

(3) Such notification shall be conclusive evidence that the statement has been prepared in accordance with the provisions of this paragraph; and for the purposes of the elections referred to in paragraph 3, the population of each State shall be as set out in the statement so notified.

5. (1) After determining the population of each State under paragraph 4, the Census Commissioner shall prepare estimates of each of the other items mentioned in paragraph 3, on the basis—

(*a*) that the population of Scheduled Castes or Scheduled Tribes in the territory of any State or part of a State bears to the total population of the State as determined under paragraph 4 the same proportion which the population, as ascertained at the census of 1941, of those Castes or Tribes in that territory bore to the total population, as so ascertained, of the territories now comprising that State; and

(*b*) that the population of each of the autonomous districts of Assam bears to the total population of that State as determined under paragraph 4 the same proportion which the population, as ascertained at the census of 1941, of the territories now comprising that district bore to the total population, as so ascertained, of the territories now comprising that State:

Provided that if in any particular case the necessary population figures have not been ascertained at the census of 1941, the population figures as ascertained at the census of 1931 shall be taken for determining the said proportion:

Provided further that if in any particular case the necessary population figures have not been ascertained either at the census of 1941 or at the census of 1931, the population in question shall be estimated in such other manner as the President may direct.

11. The registers and records to be maintained with respect to employees and the returns to be furnished by employers.

12. The form or design of any identity card, token or disc for the purpose of identifying any employee, and for the issue, custody and replacement thereof.

13. The fees to be levied for any of the purposes specified in this Schedule.

14. The contraventions or defaults which shall be punishable under sub-section (2) of section 6.

15. The further powers, if any, which may be exercised by Inspectors.

16. The manner in which accumulations in any existing provident fund shall be transferred to the Fund under section 15, and the mode of valuation of any assets which may be transferred by the employers in this behalf.

17. Any other matter which may be necessary or proper for the purpose of implementing the Scheme.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary to the Government of India.

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(2) The Census Commissioner shall thereafter submit to the President a statement showing the estimates of population under sub-paragraph (1) of this paragraph, together with an explanatory note as to how they have been arrived at; and the statement shall, on being approved by the President, be notified in the *Gazette of India*.

(3) Such notification shall be conclusive evidence that the statement has been prepared in accordance with the provisions of this paragraph and for the purposes of the elections referred to in paragraph 3, the population of Scheduled Castes or Scheduled Tribes in any State or part of a State, and the population of any autonomous district of Assam, shall be as set out in the statement so notified.

6. For the purposes of the elections referred to in paragraph 3 and the delimitation of constituencies therefor, the population of any area within a State to be included in a constituency shall, unless in the case of any particular area or class of areas the President otherwise directs, be determined by multiplying the number of voters entered in the provisional electoral rolls of that area by the total population of that State as determined under paragraph 4, and then by dividing the product by the total number of voters entered in the provisional electoral rolls of the whole State.

Explanation.—In this paragraph, "provisional electoral rolls" means the electoral rolls which at the commencement of this Order are under preparation for the purposes of the first general elections to the House of the People under the Constitution.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.